

INDEX

ABOLITION OF THE INSANITY PLEA IN IDAHO: A CASE STUDY, Gilbert Geis and Robert F. Meier, 72-83

AFTERMATH OF AN INSANITY ACQUITTAL: THE SUPREME COURT'S RECENT DECISION IN *JONES v. UNITED STATES*, THE, Richard Singer, 114-24

American Law Institute (ALI), insanity test of, 126, 127
modified form, 127-30, 131, 133-35

American Tragedy, An, 19-20, 22

Bonnie, Richard, 129

Bracton, Henry de, 28

BROOKS, ALEXANDER D., The Merits of Abolishing the Insanity Defense, 125-36

Brothers Karamazov, The, 22-23

Burden of persuasion, insanity defense and, 145
see also Burden of proof

Burden of proof, mental-disability defense and, 112-13, 116
see also Burden of persuasion

Butler Committee, *see* Committee on Mentally Abnormal Offenders

Camus, Albert, *The Stranger*, 18-19

Cavanaugh, James L., Jr., 93

Cockburn, Alexander, 38

Committee on Mentally Abnormal Offenders (Butler Committee) (England, Wales), 54-57

Country Justice, The, 28

Criminal Lunatics Act of 1800 (England), 35-37, 42

Criminal Procedure (Insanity) Act (England, Wales), 52

Criminal punishment, 98-99

Dalton, Michael, *The Country Justice*, 28

Diagnostic and Statistical Manual (DSM-III), 128-29

Dietz, Park Elliott, 93

DIETZ, PARK ELLIOTT, Why the Experts Disagree: Variations in the Psychiatric Evaluation of Criminal Insanity, 84-95

Digest (Justinian), 26-27

Diminished responsibility, 47, 53

Disability of Mind
continued existence of, 106, 110, 111-12
doctrine of, 104-13
personal responsibility for, 106

see also Inability to conform to the law; Insanity, acquittal by reason of; Self-control

DISABILITY OF MIND DOCTRINE, THE,
Herbert Fingarette, 104-13

Dr. Jekyll and Mr. Hyde, 16-17

Dostoevsky, Feodor, *The Brothers Karamazov*, 22-23

Dreiser, Theodore, *An American Tragedy*, 19-20, 22

Egbert (archbishop of York), 27

EMPIRICAL RESEARCH ON THE INSANITY DEFENSE, Henry J. Steadman, 58-71

England, insanity defense, 31-42, 43-57

Erskine, Thomas, 34

Expert opinion on legal insanity, 144-45
see also Psychiatric evaluation of criminal insanity

Faulkner, William, *Light in August*, 20, 22

FINGARETTE, HERBERT, The Disability of Mind Doctrine, 104-13

Follett, Sir William, 38-39

GEIS, GILBERT and ROBERT F. MEIER, Abolition of the Insanity Plea in Idaho: A Case Study, 72-83

Gerassi, John, 74

Goldstein, Joseph, 83

GROSS, HYMAN, Justice and the Insanity Defense, 96-103

Hadfield, James, 33-37, 41-42, 44

Halleck, Seymour L., 91

Hamlet, 15-16

Hinckley, John W., Jr., 73, 93, 126, 138

Idaho, abolition of insanity plea, 72-83
Inability to conform to the law, 97-98, 99, 101-3, 111, 129-30, 134
see also Disability of Mind, personal responsibility for; irresistible impulse; Insanity defense, volitional test; Self-control

Insanity, acquittal by reason of
characteristics of the acquitted, 61-63, 69
continuing insanity, 117-19
detention of defendants, 63-66, 116, 119, 122, 145-47
empirical research, 58-71

INDEX

ABOLITION OF THE INSANITY PLEA IN IDAHO: A CASE STUDY, Gilbert Geis and Robert F. Meier, 72-83

AFTERMATH OF AN INSANITY ACQUITTAL: THE SUPREME COURT'S RECENT DECISION IN *JONES v. UNITED STATES*, THE, Richard Singer, 114-24

American Law Institute (ALI), insanity test of, 126, 127
modified form, 127-30, 131, 133-35

American Tragedy, An, 19-20, 22

Bonnie, Richard, 129

Bracton, Henry de, 28

BROOKS, ALEXANDER D., The Merits of Abolishing the Insanity Defense, 125-36

Brothers Karamazov, The, 22-23

Burden of persuasion, insanity defense and, 145
see also Burden of proof

Burden of proof, mental-disability defense and, 112-13, 116
see also Burden of persuasion

Butler Committee, *see* Committee on Mentally Abnormal Offenders

Camus, Albert, *The Stranger*, 18-19

Cavanaugh, James L., Jr., 93

Cockburn, Alexander, 38

Committee on Mentally Abnormal Offenders (Butler Committee) (England, Wales), 54-57

Country Justice, The, 28

Criminal Lunatics Act of 1800 (England), 35-37, 42

Criminal Procedure (Insanity) Act (England, Wales), 52

Criminal punishment, 98-99

Dalton, Michael, *The Country Justice*, 28

Diagnostic and Statistical Manual (DSM-III), 128-29

Dietz, Park Elliott, 93

DIETZ, PARK ELLIOTT, Why the Experts Disagree: Variations in the Psychiatric Evaluation of Criminal Insanity, 84-95

Digest (Justinian), 26-27

Diminished responsibility, 47, 53

Disability of Mind
continued existence of, 106, 110, 111-12
doctrine of, 104-13
personal responsibility for, 106

see also Inability to conform to the law; Insanity, acquittal by reason of; Self-control

DISABILITY OF MIND DOCTRINE, THE,
Herbert Fingarette, 104-13

Dr. Jekyll and Mr. Hyde, 16-17

Dostoevsky, Feodor, *The Brothers Karamazov*, 22-23

Dreiser, Theodore, *An American Tragedy*, 19-20, 22

Egbert (archbishop of York), 27

EMPIRICAL RESEARCH ON THE INSANITY DEFENSE, Henry J. Steadman, 58-71

England, insanity defense, 31-42, 43-57

Erskine, Thomas, 34

Expert opinion on legal insanity, 144-45
see also Psychiatric evaluation of criminal insanity

Faulkner, William, *Light in August*, 20, 22

FINGARETTE, HERBERT, The Disability of Mind Doctrine, 104-13

Follett, Sir William, 38-39

GEIS, GILBERT and ROBERT F. MEIER, Abolition of the Insanity Plea in Idaho: A Case Study, 72-83

Gerassi, John, 74

Goldstein, Joseph, 83

GROSS, HYMAN, Justice and the Insanity Defense, 96-103

Hadfield, James, 33-37, 41-42, 44

Halleck, Seymour L., 91

Hamlet, 15-16

Hinckley, John W., Jr., 73, 93, 126, 138

Idaho, abolition of insanity plea, 72-83
Inability to conform to the law, 97-98, 99, 101-3, 111, 129-30, 134
see also Disability of Mind, personal responsibility for; irresistible impulse; Insanity defense, volitional test; Self-control

Insanity, acquittal by reason of
characteristics of the acquitted, 61-63, 69
continuing insanity, 117-19
detention of defendants, 63-66, 116, 119, 122, 145-47
empirical research, 58-71

future dangerousness of acquittees, 119-21, 145-47
number of acquittals, 59-60
recidivism of defendants, 66-67, 120
see also Disability of Mind, continued existence of

Insanity defense
cognitive test, 142
before 1800, 25-30
guilty but mentally ill, 45, 67-68, 109
nonresponsibility, 142
reform, 67-70, 72-83, 104-13, 125-36, 140-47
volitional test, 142-44
see also American Law Institute, insanity test of, modified form; Disability of Mind, personal responsibility for; Inability to conform to the law; Irresistible impulse; *Mens rea* approach; Self-control

INSANITY DEFENSE BEFORE 1800, THE, Nigel Walker, 25-30

INSANITY DEFENSE IN ENGLAND AND WALES SINCE 1843, THE, Stephen White, 43-57

Insanity, number of pleas of, 60-61
Irresistible impulse, insanity, defense and, 47-51
see also Inability to conform to the law; Insanity defense, volitional test; Self-control

Jones v. United States, 114-24

JUSTICE AND THE INSANITY DEFENSE, Hyman Gross, 96-103

Kafka, Franz, *The Trial*, 17-18
Katz, Jay, 83
KELLY, ROBERT J., *see* SAGARIN, EDWARD, coauthor
Kenyon, Lord (English chief justice), 35

Laws of Aethelred, 27
Laws of Henry II, 27
Light in August, 20, 22

McNaughtan, Daniel, 37-40, 41-42
McNaughtan Rules, 40-41, 42, 44, 45-46, 127, 131
MEIER, ROBERT F., *see* GEIS, GILBERT, coauthor
Mens rea approach to insanity-defense reform, 126, 131-33, 135-36
Mental Health Act of 1959 (England, Wales), 46-47

MERITS OF ABOLISHING THE INSANITY DEFENSE, THE, Alexander D. Brooks, 125-36

Michigan, plea of guilty but mentally ill, 67-68

Mitford, John, 34, 35

MODERN FOUNDATION FOR THE INSANITY DEFENSE: THE CASES OF JAMES HADFIELD (1800) AND DANIEL McNAUGHTAN (1843), Richard Moran, 31-42

Monahan, John, 93

MORAN, RICHARD, The Modern Foundation for the Insanity Defense: The Cases of James Hadfield (1800) and Daniel McNaughtan (1843), 31-42

MORAN, RICHARD, Preface, 9-11

Morris, Norval, 134

MORSE, STEPHEN J., Retaining a Modified Insanity Defense, 134-47

Native Son, 20-22

New York State, insanity-defense reform, 69-70

Oedipus at Colonus, 15
Oedipus Rex, 14-15
Old Bailey, 29-30

Plato, 26

Preston, John W., 82

Psychiatric evaluation of criminal insanity, 84-95, 111
see also Expert opinion on legal insanity

Rappéport, Jonas R., 93

Rationality, insanity defense and, 138-40

Reagan, Ronald, 73

Recidivism, 66-67, 120

Red and the Black, The, 19

RESPONSIBILITY AND CRIME IN LITERATURE, Edward Sagarin and Robert J. Kelly, 12-24

RETAINING A MODIFIED INSANITY DEFENSE, Stephen J. Morse, 137-47

Royal Commission on Capital Punishment (England, Wales), 48

SAGARIN, EDWARD and ROBERT J. KELLY, Responsibility and Crime in Literature, 12-24

Self-control, insanity defense and, 138-40
see also Disability of Mind, personal responsibility for; Inability to conform to the law; Irresistible impulse

Shakespeare, William, *Hamlet*, 15-16

Sinclair v. State, 81-82

SINGER, RICHARD, The Aftermath of an Insanity Acquittal: The Supreme Court's Recent Decision in *Jones v. United States*, 114-24

Sophocles
 Oedipus at Colonus, 15
 Oedipus Rex, 14-15

State Trials, 29

State v. Lange, 81

State v. Strasburg, 80-81

STEADMAN, HENRY J., Empirical Research on the Insanity Defense, 58-71

Stendhal, *The Red and the Black*, 19

Stevenson, Robert L., *Dr. Jekyll and Mr. Hyde*, 16-17

Stranger, The, 18-19

Szasz, Thomas, 77

Tindal, Nicholas, 39, 40-41

Trial, The, 17-18

Trial of Lunatics Act (England, Wales), 45

Truelock, Bannister, 33, 37, 42

Volitional prong, *see* Inability to conform to the law

Wales, insanity defense, 43-57

WALKER, NIGEL, The Insanity Defense before 1800, 25-30

WHITE, STEPHEN, The Insanity Defense in England and Wales since 1843, 43-57

WHY THE EXPERTS DISAGREE: VARIATIONS IN THE PSYCHIATRIC EVALUATION OF CRIMINAL INSANITY, Park Elliott Dietz, 84-95

Wright, Richard, *Native Son*, 20-22

Year Books of Henry VII, 27-28

